



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 06923-98

12 April 2000

CDR [REDACTED] USNR  
[REDACTED]

Dear Command [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Navy Personnel Command dated 14 December 1998 and undated, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the advisory opinion dated 14 December 1998. Since they found no defect in your performance record, they had no basis to remove your failures of selection by the Fiscal Year 99, 00 and 01 Naval Reserve Line Captain Selection Boards. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Although the Board did not vote to insert the supplemental reports in your record, they wished to inform you that you may submit these reports, and the associated letters to you from the reporting seniors concerned, to future selection boards.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosures



**DEPARTMENT OF THE NAVY**

**NAVY PERSONNEL COMMAND**

**5720 INTEGRITY DRIVE**

**MILLINGTON TN 38055-0000**

6923-98

1610  
NPC-311  
14 DEC 98

**MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS**

Via: NPC/BCNR Coordinator (NPC-00XCB)

Subj: CDR. ~~REDACTED~~ USNR, ~~REDACTED~~

Ref: (a) BUPERSINST 1611.17, FITREP Manual  
(b) BUPERSINST 1610.10, EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests replacement of his original fitness reports with supplemental reports for the following periods:

1 October 1992 - 30 June 1993  
1 July 1993 - 30 September 1993  
1 October 1993 - 30 September 1994  
1 October 1995 - 30 September 1996  
30 January 1996 - 14 February 1996

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the reports in question to be on file. The reports were prepared per reference (a) and (b), and are valid reports. Per reference (a), Chapter 15, page 15-2, paragraph 15-8.a and reference (b), Annex S, paragraph S-8, the member has two years from the ending date of the report to submit a statement if desired. A statement was not received by Pers-322 or NPC-311 from the member for any of the reports in question.

3. The member alleges that his failure to select invoked an immediate review of his records which determined a number of errors that may have contributed to him not being selected to Captain. Per reference (b), Annex S, paragraph S-5, it is the member's responsibility to review their BUPERS record periodically. If a member is coming before a selection board, this should be completed six months in advance of the convening date of the board in order to correct any discrepancies noted.

Subj: ~~CONFIDENTIAL~~ USNR,

a. None of the reports were considered in error or unjust prior to the petitioner's failure of selection to Captain. We do not believe that the submission of the supplementary reports to enhance a member's record for the purpose of promotion is grounds for removal of original reports that were not considered in error or unjust at the time of submission. None of the reports were contested in any manner prior to this BCNR petition. If the reports were in error or unjust timely submission of corrections were in order.

4. CDR ██████████ bases his request on the belief that the original fitness reports for the periods in question will interfere with his opportunity for promotion. His request is supported by the reporting seniors for the periods in question; however, per reference (b), Annex P, paragraph P-4, the reporting seniors have not demonstrated that the revised reports could not have been submitted in a timely manner. The reporting seniors have also not demonstrated how the revision, some 2½ to 5 years after the fact, provides a more accurate evaluation of the member's performance.

5. Basically, the petitioner has requested the replacement of the reports in question to enhance his opportunity for promotion. We do not support nor does reference (b), Annex P, paragraph P-4.c allow a change to the record to improve an officer's opportunity for promotion or career enhancement.

6. The member does not prove the reports to be unjust or in error.

7. We recommend retention of the original reports as written.

8. We recommend comments be obtained from the Director, Active Officer, Promotions, Appointments , and Enlisted Advancement Division (NPC-85) on the member's request for removal of his failure to select.

Head, Performance  
Evaluation Branch



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**MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS**

Via: Assistant for BCNR Matters (PERS-00ZCB/NPC-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF  
COMMANDER [REDACTED], USN [REDACTED]

Ref: (a) 10 USC § 1552  
(b) Your memo 5420 Pers-00ZCB/NPC-00ZCB of 15DEC98  
(c) NPC-311 ltr 1610 NPC-311 of 14DEC98

Encl: (1) BCNR file 06923-98 w/ service record

1. Per reference (a) and in response to reference (b) we are returning enclosure (1) with the following observations and recommendation that Commander [REDACTED] promotion be denied.

2. Commander [REDACTED] was properly considered during the FY99 Captain Line Selection Board. Commander [REDACTED] did in fact correspond via letter with the President of the Board and failed of selection. A complete review of Commander [REDACTED] record reveals that there were no administrative and material errors that would warrant a removal of failure of selection per reference (a). The adjudication of Commander [REDACTED] Fitness Report concerns are under the purview of NPC-311 and has been appropriately addressed in reference (c).

3. It is impossible to say with any certainty what precisely the board considered detrimental to Commander [REDACTED] promotion potential. Specific reasons for Commander [REDACTED] failure of selection from the FY99 selection board are not available since selection board proceedings are confidential in nature and records of deliberation are not kept. While specific reasons for Commander [REDACTED] failure of selection are not available, it is our opinion that Commander [REDACTED] record was simply not competitive enough when viewed within the numerical constraints placed on the board.

[REDACTED]  
[REDACTED]  
W  
Deputy Director, Reserve Officer  
Promotions, Appointments, and  
Enlisted Advancement Division